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\*ORDER E-FILED 10/21/2008\*

*Attorneys for Defendant  
LSI APPRAISAL, LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

SIDNEY SCHOLL and FELTON A.  
SPEARS, JR., on behalf of themselves and  
all others similarly situated,  
Plaintiffs,  
v.  
WASHINGTON MUTUAL, INC.,  
a Washington corporation;  
WASHINGTON MUTUAL BANK, FA  
(aka WASHINGTON MUTUAL BANK);  
FIRST AMERICAN EAPPRAISEIT,  
a Delaware corporation; and  
LENDER'S SERVICE, INC.,  
Defendants.) )  
CASE NO.: 5:08-CV-00868 (RMW)  
CLASS ACTION  
STIPULATION AND ~~PROPOSED~~  
ORDER RE: STAYING BRIEFING  
AND ADJOURNING HEARING DATE  
FOR MOTION FOR JURISDICTIONAL  
DISCOVERY

WHEREAS, on June 25, 2008, Plaintiffs filed their Motion for Jurisdictional Discovery, which Judge Whyte referred to Magistrate Lloyd for disposition, and subsequently, on October 3, 2008, filed a Rescheduled Notice for the Motion for Jurisdictional Discovery in light of Judge Whyte's entry of a stay until October 17, 2008, rescheduling the hearing date for such Motion before Judge Lloyd to November 18, 2008 at 10:00 a.m.;

1        WHEREAS, by minute order of August 15, 2008, Judge Whyte set the hearing on  
2 Defendants' Motions to Dismiss Plaintiffs' First Amended Complaint on October 17, 2008, at  
3 9:00 a.m.;

4        WHEREAS, on August 20, 2008, Judge Whyte ordered a case management conference in  
5 this matter to be held on October 17, 2008, at 10:30 a.m.;

6        WHEREAS, on September 25, 2008, Washington Mutual Bank was closed by the Office  
7 of Thrift Supervision and the Federal Deposit Insurance Corporation ("FDIC") was appointed  
8 receiver of the Bank. JPMorgan Chase & Co. on the same day acquired all deposits, assets and  
9 certain liabilities of Washington Mutual Bank's banking operations from the FDIC, effective  
10 immediately;

11      WHEREAS, as a result of these events, counsel for Washington Mutual Bank has  
12 informed the parties that counsel is uncertain as to who will represent Washington Mutual Bank  
13 or its successor in this litigation;

14      WHEREAS, parties have conferred and agree that, in light of Washington Mutual Bank's  
15 role in this litigation and the uncertainty associated with representation, it would be most  
16 efficient and equitable to adjourn both the case management conference and the hearing on  
17 Defendants' motions to dismiss to November 21, 2008, pending further clarification of the  
18 proper party defendant in lieu of Washington Mutual Bank and of the continued role of counsel  
19 with respect to this litigation. A separate stipulation has been submitted by the parties for Judge  
20 Whyte's approval;

21      WHEREAS, parties further agree to refrain from conducting discovery until  
22 November 21, 2008 and agree to seek approval to reschedule the November 18, 2008 hearing on  
23 Plaintiffs' Motion for Jurisdictional Discovery.

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1 IT IS HEREBY STIPULATED by the parties, by and through their undersigned counsel,  
2 that:

3 (1) Briefing on Plaintiffs' Motion for Jurisdictional Discovery will be stayed until  
4 November 21, 2008.  
5 (2) The Hearing Date for Plaintiffs' Motion for Jurisdictional Discovery, previously  
6 set for November 18, 2008, at 10:00 a.m, will be adjourned to December 16,  
7 2008, at 10:00 a.m.

8 DEWEY & LeBOEUF LLP

9 Dated: October 13, 2008

10 By: /s/ Margaret A. Keane

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13 *Attorneys for Defendant LSI Appraisal LLC*

14 BRAUN LAW GROUP, P.C.

16 Dated: October 13, 2008

17 By: /s/ Michael D. Braun

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20 *Attorneys for Plaintiffs*

## [PROPOSED] ORDER

Pursuant to the Parties' Stipulation, the Court hereby

## ORDERS AS FOLLOWS:

- (1) Briefing on Plaintiffs' Motion for Jurisdictional Discovery will be stayed until November 21, 2008.
- (2) The Hearing Date for Plaintiffs' Motion for Jurisdictional Discovery, previously set for November 18, 2008, at 10:00a.m, will be adjourned to December 16, 2008, at 10:00 a.m.

DATED: October 21, 2008

Hon. Howard E. Lloyd  
United States Magistrate Judge